

Judicial Conference of Indiana Board of Directors

**June 18, 2010
Minutes**

The Judicial Conference of Indiana Board of Directors met at the Indiana Judicial Center on June 18, 2010. Chief Justice Randall Shepard presided and Jennifer Bauer acted as secretary.

1. **Members present.** The following members of the Board were present: John G. Baker, David R. Bolk, David L. Chidester, J. Terrence Cody, Darrin M. Dolehanty, Frances C. Gull, Carl A. Heldt, William J. Hughes, Peggy L. Quint Lohorn, Daniel J. Molter, Carol J. Orbison, John A. Rader, Stephen M. Sims, Mark D. Stoner, Wayne S. Trockman, William E. Vance, Marianne L. Vorhees, Allen N. Wheat, Mary G. Willis and Randall T. Shepard, chair.
2. **Staff present.** The following Judicial Center staff members were present: Jane Seigel, Jeff Bercovitz, Vicki Davis, Anne Jordan, Jennifer Bauer, Michelle Goodman, Lisa White, Jennifer Weber and Barbara Harcourt. Also present were Lilia Judson, David Remondini and Kathryn Dolan of the Division of State Court Administration, and Jonathon McPike, intern to the Chief Justice.
3. **Guests.** Gerald Noonan attended the meeting as a guest of Judge Steve Sims.
4. **Approval of minutes.** The minutes from the meeting held on April 23, 2010 were approved unanimously.
5. **Indiana Judges Association Report.** Judge Terry Cody reported that the major happening for the IJA is the upcoming seminars on plain English jury instructions. He stated that the seminars will begin in September and will be offered to attorneys state-wide. The new jury instructions will be referred to as “model instructions” and will be effective January 1, 2011. Judge Cody thanked Civil Instructions Committee chair John Pera, staff attorney Julie McDonald and the entire committee for their work on the project. Judge Cody also stated that judges will receive training on the new plain English jury instructions at the Annual Meeting of the Judicial Conference in September.
6. **Indiana Council of Juvenile and Family Court Judges.** Judge Sims reported that the ICJFCJ has continued its work with the Probation Committee on the issue of consolidation of probation departments. He thanked Probation Committee chair Mark Stoner for the opportunity to participate and that there is consensus in the ICJFCJ to support the proposed rule being presented today. He stated that the rule is a good compromise. Judge Sims also distributed an article written by Senate Pro Tem David Long on the issue of governing during challenging economic times. He stated that the proposed consolidation rule is a recognition that the judicial branch needs to do its part.

7. **JTAC Liaison Report.** Judge Mary Willis reported that Clark, Madison, Allen, Scott, Jackson, Jennings, Posey and Jasper Counties are next in line to deploy the Odyssey Case Management System. She stated that data conversion is the biggest challenge when a county makes the transition to Odyssey, with financials being the most difficult. Judge Willis also stated that the Odyssey Supervision Module is being piloted in Harrison and Warren Counties by the local probation departments.
8. **Strategic Planning Committee.** Judge Mark Stoner distributed documents related to governance—a proposed amendment to Administrative Rule 3, a map of the proposed new administrative districts, and proposed descriptions of the duties of a chief judge and court administrator. He stated that the Strategic Planning Committee looked at Minnesota and other states, as well as the National Center for State Courts, for guidance on the issue of governance. He explained that the district map proposed 26 districts, which would require amending Administrative Rule 3. Under the new district map and plan, the chief judge of each district would be the representative to the Board of Directors. There would not be an election in September and the current Board members would stay on the Board until chief judges are elected for each new district. Judge Stoner also explained that the committee tried to equalize the districts in terms of the number of total caseload handled by the counties within the district. Judge Stoner made a motion to approve the amendment to Administrative Rule 3, with an effective date of January 1, 2011 and with the current board members serving until the new district chief judges are elected. The motion was approved unanimously. Judge Stoner also reported that the committee is proposing that all courts have the same jurisdiction, regardless of the court's title. He stated that the committee believes that legislative change is necessary for this proposal and that the change to jurisdiction would not affect how judges are elected. Judge Stoner made a motion for the Board to approve the concept of all trial courts having the same jurisdiction. The motion was approved unanimously. Judge Stoner further explained that this change would allow more flexibility and prevent counties from having to change jurisdiction individually. Judge Stoner reported that the committee is proposing that all judges be attorneys in good standing, including city and town court judges. He made a motion to approve the proposal that all judges be attorneys in good standing. The motion was approved unanimously. Judge Stoner reported that the last proposal from the committee was to request permission to pursue legislation to unify courts in counties for administrative purposes, effective January 1, 2012. He said that this is an intentional first step toward state funding of the courts and would give trial courts enough lead-time to make preparations for the next budget cycle. He made a motion to allow the committee to advance the concept of unified courts. A motion was made to table the motion made by Judge Stoner. After discussion on the motion to table, the motion was defeated by a vote of 3-14. A friendly amendment was offered to the original amendment to make it pending discussion in the judicial districts and approval by the Board of Directors in September. Judge Stoner accepted the friendly amendment. The amended motion was approved 18-3. Judge Stoner also distributed a list of entities that will need to be contacted regarding the Strategic Plan. He asked that Board members volunteer to contact one or two groups.

- 9. Trial Court Personnel Education and Training Update.** Senior Judge Barbara Harcourt reported that she has been leading the effort to provide education to trial court personnel. She stated that there have been 3 main modes of delivery for these training opportunities: large conferences, district/local trainings, and distance learning. The first conference was the Jury Administrator Conference in 2008. Judge Harcourt reported that there were 100 attendees and featured sessions by Judge Fran Gull, Judge Bill Hughes, Jill Russell of JTAC, Michelle Goodman of the Judicial Center, and Tom Munsterman of the National Center for State Courts. Judge Harcourt also reported that the first annual Trial Court Employee Meeting was held in 2009, with 200 attendees and presentations by Judge Paul Mathias, Adrienne Meiring of State Court Administration, and Liz Strong, a court administrator in Colorado. Judge Harcourt stated that the Judicial Center plans to invite 2 employees from each trial court to attend the 2010 Trial Court Employee Meeting. The meeting will feature Justice Ted Boehm, plenary sessions by Kelly Tait of the National Judicial College, and break-out sessions on ethics, record-keeping and security. In addition, Judge Harcourt reported that 7 regional trainings were conducted in Allen, Lake, Tippecanoe, and Vanderburgh Counties and two trainings have been conducted by webinar. A total of 800 trial court employees have been trained so far. She thanked Chief Justice Shepard, Jane Seigel, and Lilia Judson for their vision and also thanked Judges Wheat, Dolehanty and Hughes for their encouragement.
- 10. Probation Consolidation Rule Proposal.** Judge Stoner reported that the proposed rule for the consolidation of probation departments was discussed at the last Board meeting. He stated that the Ad Hoc group has met since then and revised the proposed rule with the help of Judge Steve Sims. Judge Stoner distributed the revised proposed rule and explained that the revisions, which appear in shading, were made to the satisfaction of the Indiana Council of Juvenile and Family Court Judges. The Probation Committee approved the revised proposed rule for recommendation to the Board. Judge Stoner explained that the issue of probation consolidation came up during the 2009 legislative session and was studied by the Commission on Courts. He stated that the judicial representatives told the Commission on Courts that the judiciary would prefer to handle the process rather than having it dictated by the legislature. He also stated that the proposed rule as drafted gives discretion to local judges. Judge Sims added that the Juvenile Justice Improvement Committee also recommended approval of the proposed rule. A motion was made to approve the proposed rule on consolidation of probation departments and forward it to the Supreme Court for review. The motion was approved 20-1.
- 11. Charging for Cancelled/Missed Meals proposal.** Jane Seigel reported that the policy of charging judges for missed or cancelled meals has been in place for years, but has not been enforced for several years. She said that she would like the Board to re-affirm the policy and put judges on notice that they will be charged for missed meals if they sign up for a meal at a conference and then do not show up. Ms. Seigel stated that the budget is dictating that this policy be enforced. A motion was made to re-affirm the Judicial Conference policy on missed meals. The motion was approved unanimously.

- 12. State Court Administration Report.** Lilia Judson reported that 35 court reform grant applications have been received, requesting a total of \$778,000 in assistance. She stated that most applications have been for technical enhancements to prepare for Odyssey, court unification and record keeping. Ms. Judson also reported that there is a new initiative on collecting unpaid court costs and fees. Legislation enables tax intercepts for these costs and fees and Odyssey may help in the collection. Ms. Judson stated that they ran BMV records against Department of Revenue records to see if persons who owe court costs are getting tax refunds, and the initiative promises to recoup \$9 million per year from 25,000 people.
- 13. Indiana Judicial Center Report.** Jane Seigel reported that Indiana Judicial Center staff attorney Jennifer Weber has returned to work part-time after her lung transplant. She welcomed Ms. Weber and stated that everyone at Indiana Judicial Center is excited about her return. Ms. Seigel also reported that 27 new probation officers are attending orientation this week and that the juvenile judges conference is next week. She also thanked Barbara Harcourt for her work on judicial employee education. Ms. Seigel announced that the 2010 Annual Meeting of the Judicial Conference of Indiana will be held September 21-23 at the Indianapolis Hyatt and that the Board meeting will be held on Monday, September 20th at 4 p.m. She also announced a new event for the Annual Meeting—a reception and dinner for graduate program classes.
- 14. Other Business.** Chief Justice Shepard reported that the Judicial Center has started the interview process to fill the position of Education Director. He will interview the three finalists with the assistance of Judge John Rader and Judge Bill Hughes from the Education Committee.
- 15. Next Meeting.** The next meeting of the Judicial Conference Board of Directors will be September 20, 2010 at the Indianapolis Hyatt Hotel.

Respectfully submitted,

Jennifer A. Bauer